

# **2014 BIOLOGICAL ASSESSMENT**

**FISH & WILDLIFE SERVICE**

**FOR USDA APHIS RANGELAND  
GRASSHOPPER and MORMON CRICKET  
SUPPRESSION PROGRAMS IN OREGON**

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## **BACKGROUND**

The USDA Animal and Plant Health Inspection Service (APHIS), in conjunction with Federal Agencies, State Departments of Agriculture, Native American Tribes, and private individuals is planning for potential grasshopper/Mormon cricket suppression programs to protect rangeland from economic infestations. APHIS' authority for carrying out control programs is found in the Plant Protection Act (PPA), Title IV, Agricultural Risk Protection Act of 2000, Section 417. The PPA mandates that APHIS control economic infestations of grasshoppers/Mormon crickets in order to protect rangeland, when requested, and provided funding is available.

Beginning in 1987, APHIS has consulted with USDI Fish and Wildlife Service (FWS) on a national level for the Rangeland Grasshopper Cooperative Management Program. Biological Opinions (BO's) were issued annually by FWS from 1987 through 1995 for the national program. These BO's are incorporated by reference in this document. After 1995, funding constraints and other considerations drastically reduced, or in some states completely eliminated, grasshopper/Mormon cricket suppression activities. Between 1995 and 2002 only a very small number of suppression programs were done. These programs were performed in accordance with the 1995 Biological Opinion. They also avoided areas where the potential could exist to affect species that were either listed or proposed for listing since 1995. With renewed funding for this program as a result of the PPA, the potential need for suppression activities has increased, and there is a need for consultation to update the 1995 BO.

On March 1, 2000 APHIS requested Endangered Species Act (ESA), Section 7 consultation for the Rangeland Grasshopper Cooperative Management Program, to include all seventeen western states, from FWS's Region 1 which is the designated lead region for this consultation. In February 2005 APHIS presented a Programmatic Biological Assessment (BA), along with a threat matrix, for all listed species, to FWS for comment. FWS responded in June 2005 with a request for more information on toxicity data, buffer models, and long-term effects from these programs. Although this National Consultation is proceeding, a Biological Opinion will not likely be issued in time for grasshopper/Mormon cricket suppression programs in 2013. Therefore, it is necessary to consult on a state by state basis for those states where the potential exists for grasshopper/Mormon cricket suppression programs. Informal local consultations were completed for the state of Oregon from 2003 to 2013, resulting in annual concurrence letters from FWS on program activities. Until a programmatic concurrence is issued from the national consultation, a new local consultation and FWS concurrence is needed for 2014.

## **PURPOSE**

This biological assessment is for grasshopper/Mormon cricket suppression activities in the state of Oregon. Activities will be limited to rangeland in Baker, Crook, Deschutes, Gilliam, Grant, Harney, Jefferson, Lake, Klamath, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, and, Wheeler counties in Oregon. Grasshopper suppression programs will only be conducted when potential economically damaging populations of grasshoppers occur, funding exists, and there is a written request from the land manager(s).

An APHIS Rangeland Grasshopper and Mormon Cricket Suppression Program Final Environmental Impact Statement was released in 2002 (2002 FEIS) (available at [http://www.aphis.usda.gov/plant\\_health/ea/grasshopper\\_cricket.shtml](http://www.aphis.usda.gov/plant_health/ea/grasshopper_cricket.shtml)). The 2002 FEIS includes an analysis of three chemicals available to APHIS for grasshopper suppression. They

are diflubenzuron, carbaryl, and malathion. Also analyzed is the use of the Reduced Agent and Area Treatment (RAATS) methodology.

APHIS requests ESA, Section 7, informal consultation for those species that have been listed or are proposed for listing in Oregon since the most recent FWS biological opinion dated October 3, 1995. Also, the 2002 FEIS includes an analysis of the chemical diflubenzuron, which was not addressed in the previous 1987 Rangeland Cooperative Management Program FEIS and subsequent BA's and BO's. The agreements reached for Oregon between APHIS and FWS will be in effect until a Biological Opinion for the entire Rangeland Grasshopper Suppression Program is issued and the national consultation process is completed. FWS or APHIS may request local consultation annually until the national consultation is completed.

This biological assessment will address all chemicals and application methods for ten species that have been listed, or proposed for listing, in Oregon since 1995, and have therefore not been addressed in the 1995 Biological Opinion. The species listed/proposed since 1995 which may occur in areas subject to grasshopper suppression programs in Oregon are: Canada lynx (*Lynx canadensis*); North American wolverine (*Gulo gulo luscus*); yellow billed cuckoo (*Coccyzus americanus*); bull trout (*Salvelinus confluentus*); Oregon spotted frog (*R. pretiosa*); Howell's spectacular thelypody (*Thelypodium howellii* var. *spectabilis*); Slender orcutt grass (*Orcuttia tenuis*); Green's tuctoria (*Tuctoria greenei*), and Spalding's campion (*Silene spaldingii*). Although the Gray Wolf (*Canis lupus*) was addressed in the 1995 BO, it is a newly listed species for Oregon (and subsequently delisted in part of the state), therefore an effects determination is analyzed. In addition, this assessment will address the use of diflubenzuron (Dimilin) and the reduced agent-area treatment (RAAT) application method for all of the species in this consultation. This BA will repeat and/or update the information presented in the 2013 BA.

Although APHIS is not required to consult with F&WS on candidate species under ESA, the Oregon F&WS has requested that APHIS consider impacts to three candidate species that could occur in rangeland habitat and thus be affected by a grasshopper suppression program. APHIS has considered program impacts and proposed mitigation measures for greater sage grouse (*Centrocercus urophasianus*) and Columbia spotted frog (*Rana luteiventris*). The third species, Oregon spotted frog (*R. pretiosa*), was proposed for listing as threatened in 2013 and is consider as such in this BA.

APHIS has consulted separately with NOAA Fisheries for effects determinations for ESA listed anadromous fishes. In 2010 APHIS received a Concurrence from NOAA Fisheries on a national programmatic Biological Assessment for the grasshopper program.

APHIS requests informal ESA, Section 7, consultation on the 22 listed/proposed species and 2 candidate species in the grasshopper program area of Oregon. A written response from FWS is requested regarding FWS concurrence with the "no effect" and the "not likely to adversely affect" determinations in this Biological Assessment, for these species and their critical habitat.

## **DESCRIPTION OF ACTION**

This document incorporates by reference portions of the Rangeland Grasshopper and Mormon Cricket Suppression Program Final Environmental Impact Statement-2002 (2002 FEIS) which discusses the purpose and needs, alternative strategies, affected environments, environmental

consequences, and other environmental considerations of the APHIS grasshopper suppression program. This 2002 FEIS updates alternatives available to APHIS from the previous 1987 FEIS.

More detailed site-specific environmental assessments (EA's), tiered to the 2002 APHIS FEIS, are prepared to better describe the local site characteristics. Grasshopper suppression program decisions are then based on the conclusions reached in the site-specific EA's. Only the program alternatives found in the 2002 APHIS FEIS are available to APHIS for use in any site-specific treatment. APHIS will issue a Finding(s) of No Significant Impact (FONSI) based on the site-specific EA's. When APHIS receives a treatment request from a landowner/manager, and treatment is determined to be necessary and possible, a preferred alternative will be chosen. The proposed treatment site will be examined to determine if environmental issues exist that were not covered in the EA. A supplement to the EA will be issued to address any site specific environmental concerns that were not thoroughly addressed in the original EA, and it will address any comments received during the initial EA 30 day comment period.

Two Environmental Assessments, OR-14-01 and OR-14-02 (available at <http://www.oregon.gov/ODA/PLANT/reports.shtml>) were prepared to address site specific issues with respect to potential grasshopper suppression programs in the above 17 county area. They are incorporated in this Biological Assessment by reference. APHIS treatment programs also follow guidelines set forth by the Agency in the Treatment Guidelines (included in the EA as Appendix 1), and the Grasshopper Program Statement of Work (SOW or Prospectus). Suppression treatments could happen from May through August, but generally take place in June and July.

The chemical control methods available to APHIS include the use of liquid sprays of carbaryl, diflubenzuron, and malathion, and carbaryl in a bait formulation applied at conventional rates. These chemicals can be applied to an area by either air or ground equipment. Also considered is the application of these same chemicals at reduced rates, and where untreated swaths (non-target refuges) are alternated with treated swaths. This method is known as Reduced Agent Area Treatments (RAATs). Diflubenzuron and the RAATs application technology are a result of the APHIS Grasshopper IPM Program, 1987-2000.

Conventional rates of carbaryl (.5 lb a.i. / acre) and malathion (.62 lb a.i. / acre) are the same as those in the 1987 APHIS FEIS. Conventional rate for diflubenzuron is .016 lb a.i. / acre. The RAATs application system uses approximately half the concentration of each chemical as compared to conventional rate applications, and is applied to 33-60% of the total area (FEIS page 18-22). Normally program chemicals would be applied to an area only one time per year, and programs do not generally take place in the same location in consecutive years. The infrequent nature of grasshopper suppression programs reduces the likelihood of cumulative effects.

### **Diflubenzuron**

Diflubenzuron is a chemical that has received a label for grasshopper control since the 1987 APHIS FEIS. It is classified as an insect growth regulator that affects the formation and/or deposition of chitin in an insect's exoskeleton. An insect larva/nymph exposed to diflubenzuron is unable to successfully molt and thus dies. APHIS completed a risk assessment for the use of diflubenzuron in grasshopper suppression in March 2000. This report, "Chemical Risk Assessment for Diflubenzuron Use in Grasshopper Cooperative Control Program", was provided during 2003 consultation, and is considered incorporated in this BA by reference. It is

normally applied by air for grasshopper suppression on rangeland, but it can also be applied using ground equipment.

Because of its mode of action and low toxicity, diflubenzuron would not be toxic to, or directly affect, humans, mammals, reptiles, amphibians, plants, or fish at the applications rates proposed (FEIS pg 42). It has no significant effect on non-target, adult arthropods, including honey bees. Catangui, *et. al.*, (IPM Manual study VII.3) observed no significant reduction in the number of pollinator bees or other flying nontarget arthropods following diflubenzuron treatment. Diflubenzuron is considered much less toxic, to most groups of organisms, than either carbaryl or malathion. However, all three chemicals are highly toxic to aquatic invertebrate arthropods. Diflubenzuron has only slight toxicity to fish, but if it were to contaminate water, it could cause an indirect effect by temporarily reducing a food source for juvenile fish. Any reduction in the food base would be temporary, and would likely be compensated for by other food items (FEIS pg 45). Protective measures are used to prevent chemicals from contaminating water.

Diflubenzuron is highly toxic to aquatic insects and crustaceans. The Dimilin 2L label instructions require it not be applied within 25 feet by ground or 150 feet by air of any body of water. Protective measures are imposed to prevent pesticide drift from reaching water or areas of concern (Oregon EA II.D, and Appendix 1).

Metabolites from diflubenzuron tend to degrade or are metabolized rapidly, and will occur at concentrations low enough that there should be no toxicological effects. The oils used as carriers and adjuvants may have an adverse effect on nesting birds. Paraffinic oils will be avoided when treating areas with sensitive species. Diflubenzuron may have synergistic effects with the defoliant DEF, and cumulative effects with certain compounds known to bind hemoglobin. DEF is not likely in a grasshopper control area. Methemoglobinemia is only a concern with human exposure.

Diflubenzuron binds readily to organic matter in soils and is relatively immobile in the environment. The half-life is from 7-19 days depending on soil type. Diflubenzuron does not persist more than a few days in water. However, it adsorbs to plant surfaces and may persist there for several months. It can find its way to water from leaf material as it drops in the fall. Bioaccumulation of diflubenzuron is minimal (Eisler, 2000).

Extensive studies were completed to determine the amount of chemical that would be expected to reach aquatic environments as a result of an APHIS grasshopper suppression project, and what effect that exposure will have on the environment. Appendix C of the FEIS analyses the environmental fate and transport of diflubenzuron. Table C-6 indicates the concentrations of insecticide expected to be found in moving and standing bodies of water when no buffer is used and also when water is directly sprayed. Using the full rate of 0.016 lb a.i./acre and no buffer, the amount of diflubenzuron detected in a 0.76 m stream is .017 ppb, and .008 ppb in a 2 m pond. According to Eisler, 2000, only one species of mosquito larvae would experience lethal effects from these concentrations. When program buffers are used, concentrations would be much lower.

Appendix B of the FEIS analyses the risk of diflubenzuron on humans and non-target organisms, including aquatic species. Based on the values from the no buffer models in Appendix C, diflubenzuron in aquatic ecosystems would affect a few invertebrate species and have little or no effect on vertebrates.

## Carbaryl

Carbaryl is a carbamate insecticide. It's mode of toxic action occurs through inhibition of acetylcholinesterase (AChE) function in the nervous system. This inhibition reverses over time when exposure ceases. Carbaryl is not subject to significant bioaccumulation.

At program rates carbaryl is unlikely to be directly toxic to birds, mammals, or reptiles (FEIS pg 39). It will most likely affect insects exposed to ULV spray or that consume carbaryl bait. Field studies have shown that affected insect populations recover rapidly and generally do not suffer long term effects (FEIS pg 40). The use of carbaryl in bait form has considerable environmental advantages over liquid sprays. Since the chemical is incorporated into a solid media it must be ingested to be effective, thus eliminating many non-target effects. It can be more accurately applied with less potential for drift, and is less likely to be transported in the soil or runoff.

Should carbaryl enter water, there is the potential to effect aquatic invertebrates, especially amphipods. Field studies have concluded that there is no biologically significant effect on aquatic resources, although invertebrate downstream drift increased for a short period after treatment due to toxic effects (FEIS pg 42). Carbaryl is moderately toxic to fish, but they are at extremely low risk of adverse effects from carbaryl applications at expected exposure rates (FEIS pg B-47). Buffers and other protective measures are included in the guidelines to prevent the chemical from entering water. (Oregon EA II.D, and Appendix 1)

Appendix B of the FEIS analyses the environmental risk of Carbaryl. It has a relatively short half-life in soil due to rapid degradation: 7- 28 days depending on soil type. Carbaryl does not transport well due to low water solubility, moderate sorbtion, and rapid degradation. It degrades rapidly in water: 1-2 days in freshwater. It remains active on vegetation for 3-10 days. Carbaryl does not bioacumulate and mammals and fishes readily breakdown and excrete it. Carbaryl is extremely toxic to honey bees and predatory mites.

Inert ingredients and metabolites are less toxic than carbaryl itself. There are no known synergistic effects.

Extensive studies were completed to determine the amount of chemical that would be expected to reach aquatic environments as a result of an APHIS grasshopper suppression project, and what effect that exposure will have on the environment. Appendix C of the FEIS analyses the environmental fate and transport of carbaryl. Table C-5 indicates the concentrations of insecticide expected to be found in moving and standing bodies of water when no buffer is used and when water is directly sprayed. Using the full rate of 0.5 lb a.i./acre and no buffer, the amount of carbaryl detected in a 0.76 m stream is 5.3 ppb, and 12.0 ppb in a 2 m pond.

Appendix B of the FEIS analyses the risk of carbaryl on humans and non-target organisms, including aquatic species. Based on the values from the no buffer models in Appendix C, carbaryl in aquatic ecosystems would affect a few invertebrate species and have little or no effect on vertebrates. Concentrations generally known to begin to affect invertebrates are 2-1900 ppb, (Winks, et. al., IPM Manual Study III.8).

Studies in the Little Missouri River during a drought year (1991) when discharge rates and the dilution potential of the river was low, detected an increase in invertebrate drift during the first 3 hours after pesticide application (Beyers et al. 1995). This increase was primarily composed of Ephemeroptera, especially Heptageniidae. There was no change in drift at the reference site. Subsequent sampling during the day of pesticide application showed that the increase in

invertebrate drift was transient and undetectable after 3 hours. The increase in invertebrate drift was mostly due to Ephemeroptera; other taxa were unaffected. Analyses of brain AChE activity in flathead chub (a T&E species) showed that fish were not affected by the pesticide application. Similar monitoring studies conducted during a year when precipitation was above average (1993) did not detect any increase in aquatic invertebrate drift or effects on fish (Beyers et al. 1995). The overall conclusion was that these grasshopper control operations had no biologically significant affect on aquatic resources (Beyers and McEwen, IPM Manual III.6).

Carbaryl is normally applied by air for grasshopper suppression on rangeland, but it can also be applied using ground equipment. APHIS can use carbaryl in either ULV liquid or bait formulations. APHIS' standard buffers of 500 feet for aerial ULV applications, 200 feet for aerial bait applications, and 50 feet for all ground applications have been shown through monitoring programs to keep measurable amounts of chemical from reaching water. A study of aerial bait application by APHIS in 2003 (unpublished) indicated the maximum particle drift to be 150 feet in cross winds up to 13 mph.

## **Malathion**

Malathion is an organophosphate. It is also an AChE inhibitor, but unlike carbaryl, AChE inhibition from malathion is not readily reversible if exposure ceases.

At program rates, there is little possibility malathion will to be directly toxic to birds, mammals, or reptiles. No direct toxic effects have been observed in field trials (FEIS pg 46). It will most likely affect insects exposed to ULV spray. While the number of insects in the treated area would diminish, there would be insects remaining. The remaining insects and those migrating in from outside the treated area would be available prey for insectivores. Those insects with short generations would soon increase in number (FEIS pg 47).

Malathion is highly toxic to some fish and aquatic invertebrates. However, buffers and other protective measures are included in the guidelines to prevent the chemical from entering water. (Oregon EA II.D, and Appendix 1)

Appendix B of the FEIS analyses the environmental risk of malathion. It has a short half-life in soil due to rapid degradation: 1-6 days depending on soil type. Malathion does not penetrate far into soil due to adsorption to organic matter and rapid degradation. Heavy rain after treatment could lead to runoff. It degrades by photolysis in water, a half-life of 8-32 hours during the 1997 Florida Medfly program. The half-life of malathion on vegetation 1-6 days. Malathion does not bioaccumulate in mammals. Concentrations in fishes decreases consistently with decreasing malathion in water. Malathion is extremely toxic to aquatic and terrestrial invertebrates, including honey bees.

Inert ingredients and metabolites are not known to have adverse effects at program application rates. Synergistic effects could occur if applied in combination with certain other organophosphates. A thorough analysis of the proposed treatment area would need to be done to assure no synergistic effects.

Extensive studies were completed to determine the amount of chemical that would be expected to reach aquatic environments as a result of an APHIS grasshopper suppression project, and what effect that exposure will have on the environment. Appendix C of the FEIS analyses the environmental fate and transport of malathion. Table C-7 indicates the concentrations of

insecticide expected to be found in moving and standing bodies of water when no buffer is used and when the water is directly sprayed. Using the full rate of 0.61 lb a.i./acre and no buffer, the amount of malathion detected in a 0.76 m stream is 4.5 ppb, and 10.2 ppb in a 2 m pond.

Appendix B of the FEIS analyses the risk of malathion on humans and non-target organisms, including aquatic species. Based on the values from the no buffer models in Appendix C, malathion in aquatic ecosystems would affect a few invertebrate species and have little or no effect on vertebrates. Malathion was found to be many times less toxic to sensitive fishes than carbaryl (Beyers and McEwen, IPM Manual III.6).

Malathion is normally applied by air for grasshopper suppression on rangeland, but it can also be applied using ground equipment. APHIS' standard buffers of 500 feet for aerial applications and 50 feet for ground applications have been shown through monitoring programs to keep measurable amounts of chemical from reaching water. Based on the findings for carbaryl mentioned above, from Beyers and McEwen, IPM Manual III.6, the affects of malathion from suppression programs on aquatic organisms should be no greater than carbaryl, and therefore have no biologically significant affect on aquatic resources.

## **RAATs**

RAATs, Reduced Agent-Area Treatment, technology is a product of the IPM alternative in the 1987 FEIS. This strategy combines insect suppression and conservation biological control. Rather than treat the entire infested area, treated swaths are alternated with untreated swaths. Grasshoppers are controlled by chemicals in the treated areas. The untreated swaths provide a refuge for naturally occurring grasshopper parasites and predators, as well as other non-target insects. Even those organisms that move into the treated swaths will be largely unaffected unless they feed on treated foliage or bait. Immature grasshoppers are extremely mobile compared to other immature insects and movement into treated areas will contribute to additional mortality. The RAATs system puts less insecticide into the environment and lowers the risk to non-target species, water quality, and humans. The goal of the RAATs alternative is to provide a more economical and environmentally friendly method to suppress grasshopper populations rather than reduce those populations to the greatest extent possible.

A full description of the environmental consequences, environmental fate, and risk evaluation of the chemical alternatives is found in the FEIS chapter V and Appendices B and C.

## **SPECIES ACCOUNTS AND ASSESSMENTS**

### **Protection Measures for Species Covered in 1995 BO**

Diflubenzuron is much less toxic to all groups of non-target organisms, except immature insects, than either carbaryl or malathion. Although APHIS feels the data presented here indicates a strong case for much smaller buffers, until the national consultation is completed, we are proposing to use buffers for diflubenzuron similar to those concurred with for the other liquid sprays in the 1995 BO, for grasshopper suppression programs in Oregon.

The following table lists the 22 Threatened (T), Proposed Threatened (PT) & Endangered (E) plus two Candidate (C) species that are considered in this BA, and whether Critical Habitat (CH) is designated or proposed (PCH). It summarizes the protective measures agreed to in the 1987-1995 BO's as set forth in the Biological Opinions dated June 1, 1987; July 26, 1988; July 17, 1989; August 3, 1990; August 29, 1991; November 13, 1992; September 16, 1993; December 15, 1994; July 21, 1995, and October 3, 1995. The proposed protection measures for Oregon, which result in a "not likely to adversely affect" (NLAA) or "no effect" determination, reflect those arrived at during current and previous local consultations with FWS, 2003-2013.

**Table 1. Current and Proposed Protection Measures and Determinations to Protect Threatened (T), Endangered (E), or Candidate (C) Species**

<u>Name, Species, and Status</u>	<u>Determination</u>	<u>Protective Measures from 1987-95 Biological Opinions</u>	<u>Proposed Protective Measures for Oregon</u>
<b><u>Birds</u></b>			
<b>Northern Spotted Owl (T) (CH)</b> <i>Strix occidentalis caurina</i>	No Effect	Occurs primarily in old growth forest and not in rangeland. (FWS 08/03/91)	Known ranges in Oregon will not be treated. No Effect. (FWS March 27, 2013)
<b>Greater Sage Grouse (C)</b> <i>Centrocercus urophasianus</i>	NLAA	Candidate species, after 1995	APHIS will abide by the protective measures in the December 22, 2011 BLM Instruction Memorandum No. 2012-043. (FWS March 27, 2013)
<b>Yellow-billed Cuckoo (PT)</b> <i>Coccyzus americanus</i>	NLAA	Proposed threatened after 1995	The programmatic buffers of 500' for liquid by air, 200' for bait by air and liquid by ground, and 50' for bait by ground will be used from the edge of any water present at the time of application. Plus RAATs application method will be used to protect the yellow-billed cuckoo and its prey. (FWS pending)
<b><u>Fishes</u></b>			
<b>Lahontan Cutthroat Trout (T)</b> <i>Oncorhynchus clarki henshawi</i>	NLAA	No aerial application of ULV (spray) pesticides within 0.25 mile of occupied habitats. Only carbaryl bait will be used within 0.25 miles. (FWS 06/01/87)	The proposed action includes a protective (no application of pesticides, <i>liquid and bait</i> ) buffer from the edge of the stream or water body containing standing or flowing water at the time of application, out to 0.5 mile for aerial application of pesticides diflubenzuron, carbaryl, and malathion; and 500 feet for ground application. The buffers will apply to habitats occupied
<b>Borax Lake Chub (E) (CH)</b> <i>Gila boraxobius</i>	NLAA	No aerial ULV application of malathion should be applied within 1 mile of occupied habitat. A 0.25 mile no-aerial ULV application of carbaryl should be adhered to (FWS 06/01/87)	
<b>Foskett Speckled Dace (T)</b> <i>Rhinichthys osculus</i> ssp.	NLAA		

<b>Hutton Tui Chub (T)</b> <i>Gila bicolor</i> ssp.	NLAA		by these species or adjacent aquatic habitat designated as critical habitat for the listed species. (FWS March 27, 2013)
<b>Modoc Sucker (E) (CH)</b> <i>Catostomus microps</i>	NLAA		
<b>Warner Sucker (T) (CH)</b> <i>Catostomus warnerensis</i>	NLAA		
<b>Lost River Sucker (E) (CH)</b> <i>Deltistes luxatus</i>	NLAA	Buffers around areas of occurrence of 0.5 mile for the use of malathion and 0.25 mile for the use of aerially applied carbaryl. Within the buffers, only carbaryl bait will be used. (FWS 07/26/88)	
<b>Shortnose Sucker (E) (CH)</b> <i>Chasmiste brevirostris</i>	NLAA		
<b>Bull Trout (T) (CH)</b> (Columbia R., and Klamath Basin populations) <i>Salvelinus confluentus</i>	NLAA	Listed after 1995	
<b><u>Mammals</u></b>			
<b>Canada Lynx (T) (CH)</b> <i>Lynx Canadensis</i>	No Effect	Listed after 1995	Known ranges and travel corridors in Oregon will not be treated. No Effect. (FWS March 27, 2013)
<b>Gray Wolf (E)</b> <i>Canis lupus</i>	No Effect	Proposed chemicals and rates will not affect the gray wolf or its prey base. Gray wolves are unlikely to be found in open range. (FWS 6-1-87)	No Effect on wolves or their prey. Gray wolves are unlikely to be found in open range in Oregon. (FWS March 27, 2013)
<b>North American Wolverine (PT)</b> <i>Gulo gulo luscus</i>	No Effect	Proposed threatened after 1995	No Effect on wolverines or their prey. North American wolverines are unlikely to be found in open range in Oregon. (FWS Pending)
<b><u>Plants</u></b>			
<b>MacFarlane's Four-o'clock (T)</b> <i>Mirabilis macfarlanii</i>	No Effect	No control will occur in the Snake River Canyon habitat of this species. (FWS 06/01/87)	Known ranges in Oregon will not be treated. No Effect. (FWS March 27, 2013)
<b>Applegate's Milk-vetch (E)</b> <i>Astragalus applegatei</i>	NLAA	Aerial applications of ULV (spray) pesticides will not be used within 3 miles of these species occupied habitats. Within the 3 mile buffer, only carbaryl bait will be used. (FWS 09/24/92, 06/01/87)	Aerial applications of liquid pesticides will not be used within 3 miles of these species occupied habitats. Within the 3 mile buffer, only carbaryl bait will be used. No ground bait application within 50 feet of known locations or critical habitat to avoid physical disturbance. (FWS March 27, 2013)
<b>Malheur Wire-lettuce (E) (CH)</b> <i>Stephanomeria malheurensis</i>	NLAA		
<b>Howell's Spectacular Thelypody (T)</b>	NLAA	Listed after 1995	

<i>Thelypodium howellii</i> <i>Spectabilis</i>			
<b>Spalding's Champion (T) (CH)</b> <i>Silene spaldingii</i>	NLAA		
<b>Slender Orcutt Grass (T) (CH)</b> <i>Orcuttia tenuis</i>	NLAA	Listed after 1995	The programmatic buffers of 500' for liquid by air, 200' for bait by air and liquid by ground, and 50' for bait by ground will be used from the edge of any water present at the time of application. For all ground applications a 50 ft. buffer from the edge of known locations and critical habitat of these plants will be used to avoid physical disturbance. (FWS March 27, 2013)
<b>Green's Tuctoria (E)</b> <i>Tuctoria greenei</i>	NLAA		
<b><u>Amphibians</u></b>			
<b>Columbia Spotted Frog (C)</b> <i>Rana luteiventris</i>	NLAA	Candidate species, after 1995	The programmatic buffers of 500' for liquid by air, 200' for bait by air and liquid by ground, and 50' for bait by ground will be used from the edge of any water present at the time of application. (FWS pending)
<b>Oregon Spotted Frog (PT)</b> <i>Rana pretiosa</i>	NLAA	Proposed threatened after 1995	

## Protective Measures for Species Listed Since 1995 and Candidate Species

### Greater Sage-Grouse (*Centrocercus urophasianus*)

In March 2010, FWS determined that protection of the greater sage-grouse under the ESA was warranted. However, listing it was precluded by the need to address other species facing greater risks. The greater sage-grouse is a Candidate species for listing. In Oregon sage-grouse is found in Baker, Deschutes, Crook, Harney, Lake, and Malheur Counties. It has historically been found in Klamath County until 1993.

The greater sage-grouse is a large, ground-dwelling bird. Measuring as much as 30 inches in length and two feet tall, it weighs from two to seven pounds. It has a long, pointed tail with legs feathered to the base of the toes and fleshy yellow combs over the eyes. Males are larger than females. The greater sage-grouse is found at elevations ranging from 4,000 to over 9,000 feet. It is an omnivore, eating mainly sagebrush, some other soft plants, and insects. One of the most interesting aspects of the greater sage-grouse is its nearly complete reliance on sagebrush. These birds cannot survive in areas where sagebrush does not exist.

The Greater Sage-Grouse are relatively long-lived (3-6 years), have lower productivity (7 eggs) than most upland game birds which generally have 1-2 year lifespans and clutches

>10 eggs. Males display on dancing grounds known as leks. Females visit the leks to obtain matings, and then go off to raise their brood by themselves. Sage-grouse exhibit strong fidelity to seasonal ranges, especially to their breeding grounds. Traditional leks may be used for years. They nest on the ground under sagebrush or grass patches. Nesting and early brood rearing occurs in the vicinity of the leks.

Compared to other states in sage-grouse range, Oregon sage-grouse populations are relatively high. In the State of Oregon, BLM manages 70% of currently occupied sage-grouse habitat; 21% is privately-owned, and the remainder (8%) occurs on lands owned by the State, US Forest Service or USFWS.

The primary threats to the sage-grouse across its range are habitat loss and fragmentation (including wildfire), invasive plants, energy development, urbanization, agricultural conversion and grazing.

To protect sage-grouse APHIS will abide by the protective measures in the December 22, 2011 BLM Instruction Memorandum No. 2012-043, expiring September 31, 2013. Proposed mitigation measures include no treatment buffers around leks and application timing to avoid impacting insect availability during early chick development. APHIS will confer with FWS, ODFW, and BLM as needed to determine locations of sage-grouse habitat, and coordinate the exact protective measures with the land managing agency prior to treatment. APHIS will provide advice on Integrated Pest Management (IPM) strategies that can be used to control grasshopper populations, but the implementation of such strategies is the responsibility of the land owner/manager. Implementation of agreed upon protective measures, along with Program Guidelines and Operating Procedures, will assure that the APHIS Grasshopper Suppression Program will not likely adversely affect greater sage-grouse (*Centrocercus urophasianus*).

### **Yellow billed cuckoo (*Coccyzus americanus*)**

The yellow-billed cuckoo in the western United States was accorded candidate status in July 2001. On October 3, 2013, the Western U.S. Distinct Population Segment (DPS) of the Yellow-billed cuckoo was proposed as a threatened species under the ESA. In Oregon, cuckoos, although never common, have become even rarer with the loss of floodplain forests along the Willamette and Columbia Rivers. The last confirmed breeding records in Oregon were in the 1940s. Most of the recent records of cuckoos are from eastern Oregon at Malheur National Wildlife Refuge in Harney County, and from Malheur and Deschutes counties.

The yellow-billed cuckoo is a medium sized brown bird, about 12 inches long and weighing about two ounces. The birds have a long boldly patterned black and white tail and an elongated down-curved bill which is yellow on the bottom. Yellow-billed cuckoos are migratory. Historically, cuckoos arrived in Oregon in mid-May and flew south to their wintering grounds in September. The bird primarily eats large insects including caterpillars and cicadas and, occasionally, small frogs and lizards. Breeding coincides with the emergence of cicadas and tent caterpillar.

The greatest threat to the species has been reported to be loss of riparian habitat. It has been estimated that 90 percent of the cuckoo's stream-side habitat has been lost. Habitat loss in the west is attributed to agriculture, dams, and river flow management, overgrazing and competition from exotic plants such as tamarisk. Activities which alter or destroy riparian habitat are of particular concern, including unmanaged cattle grazing that contributes to the loss of sub-canopy vegetation and cottonwood regeneration.

APHIS grasshopper and Mormon cricket program activities may affect the yellow-billed cuckoo. While diflubenzuron, malathion and carbaryl bait are highly toxic to insects they are all relatively nontoxic to birds. These chemicals should have no direct affect to the yellow-billed cuckoo, but they may cause a temporary reduction of prey species. To protect yellow-billed cuckoo APHIS will confer with FWS to determine locations of any yellow-billed cuckoo nests or occupied habitat prior to treatment. Since this species nests and feeds mainly in riparian habitat, the water buffers listed in the Program Guidelines and Operating Procedures (EA Appendix 1) of 500' for liquid insecticide and 200' for bait when applied by air, 200' for liquid applied by ground, and 50' for bait when applied by ground will be used to protect yellow-billed cuckoo. The RAATS application method will be used when treating near known yellow-billed cuckoo habitat to preserve non-target insect prey. Implementation of these protective measures will assure that the APHIS Grasshopper Suppression Program will not likely adversely affect yellow billed cuckoo (*Coccyzus americanus*).

### **Bull Trout (*Salvelinus confluentus*)**

The Columbia River and Klamath River distinct population segments (DPS) of bull trout were listed as a threatened species on June 10, 1998 (63 FR 31647). Critical habitat for these and other DPS' was designated on September 26, 2005 (70 FR 56212). This ruling was replaced by Revised Designation of Critical Habitat for Bull Trout in the Coterminous United States; Final Rule October 18, 2010 (75 FR 63898). This latest ruling increased the area protected as critical habitat for bull trout in Oregon.

Bull trout, members of the family Salmonidae, are native to the Pacific Northwest and western Canada. Bull trout are relatively dispersed throughout tributaries of the Columbia River Basin, including its headwaters in Montana and Canada. Bull trout also occur in the Klamath River Basin of south-central Oregon. Bull trout exhibit both resident and migratory life-history strategies through much of their current range. Resident bull trout complete their life cycle in tributary streams, and juvenile fish rear from 1 to 4 years before migrating to either a lake, river, or in certain costal areas, saltwater to mature.

Bull trout are opportunistic feeders, with food habits primarily a function of size and life-history strategy. Resident and juvenile bull trout prey on terrestrial and aquatic insects, macrozooplankton, amphipods, mysids, crayfish, and small fish. Adult migratory bull trout are primarily piscivorous, known to feed on various trout and salmon species, whitefish, yellow perch, and sculpin.

APHIS grasshopper and Mormon cricket program activities may affect the bull trout. Direct toxic effects could occur to bull trout and indirect effects through loss of prey items could also occur should bull trout be exposed to program insecticides. The APHIS Grasshopper and Mormon Cricket Suppression Program maintains a standard, programmatic 500 foot buffer from water for all aerial ULV treatments, a 200 foot buffer from water for all aerial bait

treatments, a 200 foot buffer from water for all liquid ground treatments, and a 50 foot buffer from water for all ground bait treatments. These standard buffers are in place to reduce the chance that a pesticide used for grasshopper suppression will enter water. Monitoring of APHIS grasshopper treatments by Beyers and McEwen (1996) concluded that the standard buffer resulted in trace amounts of pesticide in aquatic habitats, and that grasshopper control operations had no biologically significant affect on aquatic resources.

Although APHIS feels the data presented here indicates a strong case for much smaller buffers, until the national consultation is completed, we propose using buffers similar to those agreed to in the previous local consultation when treating grasshoppers near bull trout habitat. APHIS proposes that no aerial treatments (bait and liquid) will occur within 0.5 miles of occupied or designated critical habitat. No ground applications (bait and liquid) will occur within 500 feet of occupied or critical habitat. Known migratory habitats will be treated as occupied habitat unless otherwise directed by FWS personnel prior to treatments.

There is also a potential for a grasshopper treatment to indirectly and adversely affect bull trout by reducing the prey base. By maintaining the above buffers from known bull trout locations the prey base used by bull trout will not be exposed to program insecticides. Dead or moribund grasshoppers (or non target invertebrates) from within the treatment area that contain pesticides are unlikely to travel or be carried across the distance of the buffers and enter the bodies of water where they could be consumed by bull trout.

Implementation of these protective measures along with Program Guidelines and Operating Procedures will assure that the APHIS Grasshopper Suppression Program will not likely adversely affect bull trout (*Salvelinus confluentus*), either directly or indirectly.

### **Canada lynx (*Lynx Canadensis*)**

The Canada lynx was listed as threatened on March 24, 2000 (65 FR 16051). Critical was designated in November 2006 and revised in 2009. No critical habitat is located in Oregon. A recovery plan has not been published.

The Canada lynx is a medium-sized cat with long legs, large, well-furred paws, long tufts on the ears, and a short, black-tipped tail. Adult males average 10 kilograms (kg) (22 pounds (lb)) in weight and 85 centimeters (cm) (33.5 inches (in)) in length (head to tail) and females average 8.5 kg (19 lb) and 82 cm (32 in). Canada lynx are specialized predators that are highly dependent on the snowshoe hare (*Lepus americanus*) for food. Canada lynx also prey opportunistically on other small mammals and birds, particularly when hare populations decline.

Canada lynx utilize late successional forest with large woody debris, such as downed logs and windfalls, to provide denning sites with security and thermal cover for kittens. Lynx require adequate travel cover to provide connectivity (linkage) within a forest landscape for security, movement within home ranges, and access between den sites and foraging areas. Such areas also may provide foraging opportunities. Resident Canada lynx populations were historically low in Oregon. Recent observations of lynx have been reported from the Cascades and the Blue Mountains in northeastern Oregon. The Canada lynx is currently classified as a fur bearer with a closed trapping and hunting season.

While diflubenzuron, malathion and carbaryl bait are highly toxic to insects they are all relatively nontoxic to mammals. Impacts on any prey species of the lynx would be negligible, even in possible linkages connecting the various areas of the lynx's range that might fall near treatment

areas. Since grasshopper programs will only take place in rangeland, known ranges of the Canada lynx in Oregon are removed from any possible treatment areas. Therefore the Grasshopper Suppression Program activities will have no effect on the Canadian lynx (*Lynx canadensis*).

### **Gray Wolf (*Canis lupis*)**

In 1974, four subspecies of gray wolf were listed as endangered including the northern Rocky Mountains (NRM) gray wolf (*Canis lupus irremotus*) found in Oregon (39 FR 1171, January 4, 1974). In 1978, the Fish and Wildlife Service published a rule (43 FR 9607, March 9, 1978) relisting the gray wolf as endangered at the species level (*C. lupus*) throughout the conterminous 48 States and Mexico, except for Minnesota, where the gray wolf was reclassified to threatened. On May 4, 2009, the U.S. Fish and Wildlife Service established a *distinct population segment* (DPS) of the gray wolf in the Northern Rocky Mountains, and revised the List of Endangered and Threatened Wildlife by removing gray wolves within the Northern Rocky Mountain DPS boundaries, except in Wyoming. The Wyoming gray wolf was delisted 9-10-2012. The Northern Rocky Mountain DPS includes a portion of Eastern Oregon that lies east of Highway 395 and Highway 78 north of Burns Junction and east of Highway 95 south of Burns Junction. Any wolves west of this line are considered belonging to the conterminous USA population (73 FR 10514), and remain listed as endangered. On May 25, 2011 the Fish and Wildlife Service issued a final rule reinstating the 2009 decision to delist biologically recovered populations in the Northern Rocky Mountains DPS. Gray wolves in Oregon are State-listed as endangered, regardless of location. In the federally listed portion of Oregon, the Oregon Department of Fish and Wildlife implements the Oregon Wolf Conservation and Management Plan under the guidance of the Federal/State Coordination Strategy (March 2011) for Implementation of Oregon's Wolf Plan. Critical habitat has only been designated for wolf populations in Michigan and Minnesota.

Wolves had not been found in Oregon for many years, until recently. Under a recovery plan adopted in 1987 wolves were reintroduced to remote public lands in central Idaho in 1995 and 1996. This reintroduction and accompanying management programs greatly expanded the numbers and distribution of wolves in the NRM. It is generally considered that four packs of wolves now reside in Northeastern Oregon, at least one being considered as having a "breeding pair." There could be as many as 28 wolves in Oregon at the end of 2011. One wolf, OR-7 has migrated across Oregon to the Cascades and into California.

The gray wolf, *Canis lupus*, is the largest wild member of the dog family (Canidae). In the NRM, adult male gray wolves average over 45 kg (100 lb), but may weigh up to 60 kg (130 lb). Females weigh slightly less than males.

Wolves have a social structure, normally living in packs of 2 to 12 animals. In the NRM, pack sizes average about 10 wolves in protected areas. Packs typically occupy large distinct territories 518-1,295 square kilometers (200-500 square miles) and defend these areas from other wolves or packs. Once a given area is occupied by resident wolf packs, it becomes saturated and wolf numbers become regulated by the amount of available prey, intraspecies conflict, other forms of mortality, and dispersal. Dispersing wolves may cover large areas as lone animals as they try to join other packs or attempt to form their own pack in unoccupied habitat. Dispersal distances in the NRM average about 97 kilometers (60 miles).

Gray wolves are habitat generalists and will establish territories anywhere there is a sufficient food source. They were once found in almost all habitat types; prairie, forest, mountains, and wetlands. In the NRM today, they are found in the mostly forested lands away from human disturbance. Wolves are opportunistic carnivores whose primary prey are deer, elk and moose. When these prey are not available, wolves will eat smaller animals, and may kill and feed upon domestic livestock.

Typically, only the top-ranking (“alpha”) male and female in each pack breed and produce pups. Females and males typically begin breeding as 2-year-olds and may annually produce young until they are over 10 years old. Litters are typically born in April and range from 1 to 11 pups, but average around 5 pups. Pups are reared in the den for the first six weeks. Dens are commonly located on southerly aspects of moderately steep slopes with well drained soils, or rock caves/abandon beaver lodges, usually within 400 yards of water. Most wolf packs are sensitive to human disturbance near den sites. Dens are often over a mile from recreation trails and 1-2 miles from backcountry camp sites.

In the summer and fall wolf packs use areas called “rendezvous sites” for resting and gathering. These are usually complexes of meadows adjacent to hillside timber with water nearby. Rendezvous sites vary in size, but are generally small, approximately 1 acre.

Wolves can live 13 years but the average lifespan in the NRM is less than 4 years. Pup production and survival can increase when wolf density is lower and food availability per wolf increases. Breeding members also can be quickly replaced either from within or outside the pack. Consequently, wolf populations can rapidly recover from severe disruptions, such as very high levels of human-caused mortality or disease. After severe declines, wolf populations can more than double in just 2 years if mortality is reduced.

While the chemicals diflubenzuron, malathion and carbaryl bait are highly toxic to insects they are all relatively nontoxic to mammals. Impacts from a grasshopper suppression program on any prey species of the gray wolf would be negligible. It is also unlikely that gray wolves will be resident in, or traveling through, rangeland areas where suppression programs will occur. Should a wolf wander into a suppression area there will be no jeopardy to its existence as a consequence. Therefore the Grasshopper Suppression Program activities will have no effect on the gray wolf (*Canis lupus*) in Oregon.

### **North American wolverine (*Gulo gulo luscus*)**

On December 14, 2010, USFWS determined that the wolverine in the contiguous United States constitutes a DPS and listing under the ESA was warranted. However, listing was precluded by higher priority actions and the contiguous U.S. DPS was been added to the candidate species list. On March 29, 2013, USFWS published a proposal to list the contiguous United States DPS as Threatened.

Wolverines inhabit habitats with near-arctic conditions wherever they occur. In the contiguous United States, wolverine habitat is restricted to high-elevation areas in the West. Wolverines are dependent on deep persistent snow cover for successful denning, and they concentrate their year-round activities in areas that maintain deep snow into spring and cool temperatures throughout summer. Wolverines in the contiguous United States exist as small and semi-

isolated subpopulations in a larger metapopulation that requires regular dispersal of wolverines between habitat patches to maintain itself.

Wolverines are opportunistic feeders, consuming a variety of foods depending on availability. They primarily scavenge carrion, but also prey on small animals and birds and eat fruits, berries, and insects. The primary threat to the North American wolverine is from habitat and range loss due to climate warming.

While the chemicals diflubenzuron, malathion and carbaryl bait are highly toxic to insects they are all relatively nontoxic to mammals. Due to their high altitude range it is unlikely that wolverines will be resident in, or traveling through, rangeland areas where suppression programs will occur. Even so, impacts from a grasshopper suppression program on any prey species of wolverine would be negligible. Should a wolverine wander into a suppression area there will be no jeopardy to its existence as a consequence. Therefore the Grasshopper Suppression Program activities will have no effect on North American wolverine (*Gulo gulo luscus*) in Oregon.

### **Howell's spectacular thelypody (*Thelypodium howellii* ssp. *spectabilis*)**

Howell's spectacular thelypody was federally listed as threatened without critical habitat in 1999 (64 FR 28393, May 26, 1999).

*Thelypodium howellii* ssp. *spectabilis* is an herbaceous biennial that occurs in moist, alkaline meadow habitats as approximately 1000 meters (m) (3000 feet (ft)) to 1,100 m (3,500 ft) elevation in northwest Oregon. This plant grows to approximately 60 cm (ft) tall, with branches arising from near the base of the stem. The basal leaves are approximately 5 cm (2 in) long with wavy edges and are arranged in a rosette. Stem leaves are shorter, narrow, and have smooth edges. Flowers appear in loose spikes at the end of the stems. Flowers have four purple petals approximately 1.9 cm (0.75 in) in length, each which is borne on a short 0.6 cm (0.25 in) stalk. Fruits are long, slender pods.

*Thelypodium howellii* ssp. *spectabilis* occurs in wet alkaline meadows in valley bottoms, usually in and around woody shrubs that dominate the habitat on the knolls and along the edge of the wet habitat between the knolls. The plant is currently known from 11 sites (5 populations) ranging in size from 0.01 hectares (ha) (0.03 acres (ac)) to 16.8 ha (41.4 ac) in the Baker-Powder River valley in Baker and Union counties. The total occupied habitat for this species is approximately 40 ha (100 ac). All remaining populations occur on private land. Plants at the type locality in Malheur County have not been found since 1927 and are considered to be extirpated. The entire extant range of this taxon lies within a 21-kilometer (km) 13-mile (mi) radius of Haines, Oregon.

*T. howellii* is threatened by a variety of factors including habitat destruction and fragmentation from agriculture and urban development; spring and early summer livestock grazing; competition from non-native vegetation such as teasel, bul and Canada thistles, and sweet clover; and alteration of wetland hydrology. An uncontrolled grasshopper outbreak could threaten to consume localized populations of this plant limiting seed production and further endangering its survival.

Because the insecticides used for a grasshopper treatment could reduce pollinators of this species and the equipment used for a ground application could damage individual plants or

modify the habitat APHIS grasshopper and Mormon cricket program activities may adversely affect Howell's spectacular thelypody. While diflubenzuron, malathion and carbaryl are not phytotoxic at the proposed application rates, concern has been expressed that insecticide treatments might prevent pollination of Endangered and Threatened plant species by reducing or eliminating the insect pollinators. While some of these plant species are self-pollinating, others reproduce by bulbs, corms, rhizomes. Species such as *Thelypodium howellii* ssp. *spectabilis*, which require pollination by insects, may bloom before, during, or after a grasshopper treatment. Those which are in full bloom during the treatment period and are insect pollinated are still highly likely to be frequented by insects as it would be unusual for all pollinators to be totally eliminated from an area. RAATs treatments in particular provide for untreated refuges of unharmed non-target species. Carbaryl bait applications only affect species that consume bait directly, or prey that have consumed bait. Therefore bait applications should not adversely affect pollinators. Repopulating of other insects species to normal levels occurs fairly rapidly due to natural migration from outside the treatment area.

Although APHIS feels the data presented here indicates a strong case for smaller buffers for RAATs and diflubenzuron, until the national consultation is completed, we propose using buffers similar to those agreed upon, in the 1995 BO, for similar species. The implementation of a three mile buffer from known locations with no aerial application of liquid pesticide (includes diflubenzuron) would be in place to protect pollinators. Within the buffer, only carbaryl bait will be used, and if applied by ground, a 50 ft. buffer from the edge of known locations and critical habitat of this plant will be used to avoid physical disturbance. By using these protective measures, the Grasshopper Suppression Program will not likely adversely affect *Thelypodium howellii* ssp *spectabilis*.

### **Spalding's Catchfly (*Silene spaldingii*)**

Spalding's Catchfly was listed as threatened species without critical habitat on October 10, 2001 (66 FR 51597).

Spalding's Catchfly is a member of the pink or carnation family (Caryophyllaceae). *Silene spaldingii* (Watson) is a long lived perennial herb with four to seven pairs of lance-shaped leaves, and a spirally arranged inflorescence (group of flowers) consisting of small greenish-white flowers. The foliage is tightly to densely covered with sticky hairs. Reproduction is by seed only; *S. spaldingii* does not possess rhizomes or other means of vegetative reproduction. Plants range from 2 to 6 decimeters (dm) (8-24 inches (in)) in height.

The species is currently known from a total of 52 populations in the United States and British Columbia, Canada. Of the 51 populations in the United States, 7 occur in Oregon. All seven populations occur in Wallowa County. This species is primarily restricted to mesic (not extremely wet or extremely dry) grasslands (prairie or steppe vegetation) that make up the Palouse region in southeastern Washington, northwestern Montana, and adjacent portions of Idaho and Oregon. *S. spaldingii* sites range from approximately 530 m (1,750 ft) to 1,600 m (6,100 ft) elevation.

The greatest threats to *S. spaldingii* is the loss of habitat to development and agriculture, cultivation, grazing and the use of herbicides. An uncontrolled grasshopper outbreak could threaten to consume localized populations of this plant limiting seed production and further endangering its survival.

Because the insecticides used for a grasshopper treatment could reduce pollinators of this species and the equipment used for a ground application could damage individual plants or modify the habitat APHIS grasshopper and Mormon cricket program activities may adversely affect Spalding's Catchfly. While diflubenzuron, malathion and carbaryl are not phytotoxic at the proposed application rates, concern has been expressed that insecticide treatments might prevent pollination of Endangered and Threatened plant species by reducing or eliminating the insect pollinators. While some of these plant species are self-pollinating, others reproduce by bulbs, corms, or rhizomes. Species such as *Silene spaldingii* which may require pollination by insects may bloom before, during, or after a grasshopper treatment. Those which are in full bloom during the treatment period and are insect pollinated are still highly likely to be frequented by insects as it would be unlikely for all pollinators to be totally eliminated from an area. RAATs treatments in particular provide for untreated refuges of unharmed non-target species. Carbaryl bait applications only affect species that consume bait directly, or prey that have consumed bait. Therefore bait applications should not adversely affect pollinators. Repopulating of other insects species to normal levels occurs fairly rapidly due to natural migration from outside the treatment area.

Although APHIS feels the data presented here indicates a strong case for smaller buffers for RAATs and diflubenzuron, until the national consultation is completed, we propose using buffers similar to those agreed upon, in the 1995 BO, for similar species. The implementation of a three mile buffer from known locations with no aerial application of liquid pesticide (includes diflubenzuron) would be in place to protect pollinators. Within the buffer, only carbaryl bait will be used, and if applied by ground, a 50 ft. buffer from the edge of known locations and critical habitat of this plant will be used to avoid physical disturbance. By using these protective measures, the Grasshopper Suppression Program will not likely adversely affect *Silene spaldingii*.

### **Slender orcutt grass (*Orcuttia tenuis*)**

Slender orcutt grass was listed as a threatened species on March 26, 1997 (62 FR 14338). Critical habitat was designated on August 6, 2003 (68 FR 46684). Critical habitat was expanded August 11, 2005 (70 FR 46924) and administratively revised February 10, 2006 (71 FR 7118). No critical habitat is located in Oregon.

*Orcuttia tenuis* is a weakly-tufted and sparsely pilose annual grass. It grows about 2 to 6 inches in height, producing one to several erect stems that often branch from the upper nodes. It germinates and grows as a seasonally submerged aquatic plant for several weeks to 3 months. It is wind pollinated. Local seed dispersal is by water, which breaks up the inflorescence. Long distances dispersal between occurrences is unlikely, but seed may be carried occasionally by waterfowl and mammals. The seeds can remain dormant for at least 3 or 4 years, and germinate underwater after being immersed for prolonged periods.

Unlike typical terrestrial grasses that grow in the uplands surrounding vernal pools, *O. tenuis* flowers during the summer months. It can have a large soil seed bank and the number of plants in an occurrence can vary greatly from year to year. In general, years of above average rainfall promote larger expressions of occurrences. *O. tenuis* occurs through a wide range of elevations and soil types.

*O. tenuis* occurs in vernal pools on remnant alluvial fans and high stream terraces and recent basalt flows which possess an impervious soil layer relatively close to the surface. Disjunct populations occur across northern California including the Modoc Plateau that extends into Lake County Oregon. Known populations are restricted to the northern California counties of Lake, Lassen, Plumas, Sacramento, Shasta, Siskiyou, and Tehama. Many populations are on private lands.

*O. tenuis* grows only in vernal pools and has experienced minor and major population and habitat reductions throughout its range. Vernal pools in this area are generally small, seasonal aquatic ecosystems that are inundated in the winter and dry slowly in spring and summer, making a harsh, unique environment. Cyclical wetting and drying create an unusual ecological situation supporting a unique biota. Many plants and animals have evolved to possess such specific characteristics that these organisms cannot live outside these temporary pools.

The habitat of this species has been reduced and fragmented throughout its range as vernal pools continue to be eliminated by urbanization, flood control projects, landfill projects, highways development, and agricultural land conversion. An uncontrolled grasshopper outbreak could threaten to consume localized populations of this grass limiting seed production and further endangering its survival.

APHIS grasshopper and Mormon cricket program chemicals should have no direct effect on slender orcutt grass because it is wind pollinated. However to protect vernal pool habitats where *O. tenuis* occurs, APHIS will use the programmatic 500 foot buffer, from water present at the time of application, for aerial treatments using liquid chemicals and 200 feet for carbaryl bait applied by air. For all ground applications a 50 ft. buffer from the edge of known locations and critical habitat of this plant will be used to avoid physical disturbance. By using these protective measures, the Grasshopper Suppression Program would not likely adversely affect *Orcuttia tenuis*.

### **Green's tuctoria (*Tuctoria greenei*)**

Green's tuctoria was listed as a endangered species on March 26, 1997 (62 FR 14338). Critical habitat was designated on August 6, 2003 (68 FR 46684). Critical habitat was expanded August 11, 2005 (70 FR 46924) and administratively revised February 10, 2006 (71 FR 7118). No critical habitat is located in Oregon.

*Tuctoria greenei* is a tufted, more or less pilose, annual grass that grows 2 to 6 inches tall. The plant develops many erect but fragile stems that easily break apart at the nodes, which are often purplish. Each stem terminates in a spike-like inflorescence. Optimum germination occurs when the seed is exposed to light and anaerobic conditions after a cold period of time. Germination occurs several months after initial inundation, and flowering occurs from May to July.

*T. greenei* is known from only 21 extant widely separated occurrences in Butte, Merced, Shasta, and Tehama counties in California. All but one is on private land. It has been found in three types of vernal pools: Northern Basalt Flow, Northern Claypan, and Northern Hardpan. Occupied pools are (or were) underlain by iron-silica cemented hardpan, tuffaceous alluvium, or claypan. It has been noted that *T. greenei* grows in shallow pools or on the shallow margins of deeper pools, areas that dry out sooner. Although no occurrences have been documented, the Modoc Plateau that extends into Lake County Oregon contains vernal pools that could support this species.

The habitat of this species has been reduced and fragmented throughout its range as vernal pools continue to be eliminated by urbanization, flood control projects, landfill projects, highways development, and agricultural land conversion. An uncontrolled grasshopper outbreak could threaten to consume localized populations of this grass limiting seed production and further endangering its survival.

APHIS grasshopper and Mormon cricket program chemicals should have no direct effect on Green's tuctoria because it is wind pollinated. However to protect vernal pool habitats where *T. greenei* occurs, APHIS will use the programmatic 500 foot buffer, from water present at the time of application, for aerial treatments using liquid chemicals and 200 feet for carbaryl bait applied by air. For all ground applications a 50 ft. buffer from the edge of known locations and critical habitat of this plant will be used to avoid physical disturbance. By using these protective measures, the Grasshopper Suppression Program would not likely adversely affect *Tuctoria greenei*.

### **Columbia Spotted Frog (*Rana luteiventris*) and Oregon Spotted Frog (*Rana pretiosa*)**

In March 2005 FWS determined that protection of the Columbia spotted frog Great Basin DPS and Oregon spotted frog under the ESA was warranted. However, listing them was precluded by the need to address other species facing greater risks. As a result, these frogs were listed as candidate species. Columbia spotted frogs were formerly classified as part of *Rana pretiosa*, or Spotted frogs. However, they are currently classified as two separate species. Researchers found that while the two species are nearly identical morphologically, they differ genetically and occupy different ranges.

On August 29, 2013 FWS proposed to list the Oregon spotted frog as threaten under the ESA along with proposing to list critical habitat for this species as well. The Columbia spotted frog great basin DPS remains listed as a candidate species.

Columbia spotted frogs are known to occur in Grant, Harney, Lake and Malheur counties in Oregon. Local populations appear to be isolated from each other by human and natural habitat disruptions. Columbia spotted frogs are found closely associated with clear, slow-moving or ponded surface waters, with little shade, and relatively constant water temperatures.

Columbia spotted frogs are known to wander. Though movements of up to 6.5 km have been recorded, these frogs generally stay in wetlands and along streams within 1 km of their breeding pond. Frogs in isolated ponds may not leave those sites.

Oregon spotted frogs are currently only known to occur in Deschutes, Klamath, and Lane counties. This species is the most aquatic native frog in the Pacific Northwest. It is almost always found in or near a perennial body of water that includes zones of shallow water and abundant emergent or floating aquatic plants. Oregon spotted frogs seem to prefer fairly large, warm marshes (approximate minimum size of 4 hectares (9 acres)) that can support a large enough population to persist despite high predation rates and sporadic reproductive failures. Oregon spotted frogs are known to move several hundred meters usually along flooded or saturated corridors, but not the great distances of the Columbia spotted frog. According to F&WS surveys, the Oregon spotted frog is now absent from at least 76 percent

of its former range. The majority of the remaining Oregon spotted frog populations are small and isolated.

In central Oregon, spotted frogs breed in mid- to late April. Eggs hatch in 3-21 days, depending on temperature. Metamorphosis occurs in mid- to late summer. Adult spotted frogs are opportunistic feeders, consuming many types of insects, mollusks, and even other amphibians. Tadpoles are grazers which consume algae and detritus. Spotted frogs are highly aquatic and live in or near permanent bodies of water, including lakes, ponds, slow streams and marshes; movements of spotted frogs are limited to wet riparian corridors. Standing water, flooded meadows, and willows provide breeding, foraging, and overwintering habitat. Most spotted frogs hibernate and aestivate.

The largest threat to spotted frogs is the destruction, fragmentation and degradation of wetland habitat. Changes in hydrology (from construction of ditches and dams) and water quality, development, and livestock overgrazing continue to result in habitat loss, alteration, and/or fragmentation. Non-native plant invasions by aggressive species like reed canarygrass (*Phalaris arundinacea*), and succession of plant communities from marsh to meadow also threaten these species' existence. The introduction of non-native predators such as bullfrogs, bass and other predatory fish species are believed to contribute to their decline.

APHIS grasshopper and Mormon cricket program activities may affect spotted frogs. Direct toxic effects could occur to spotted frogs should they be exposed to program insecticides. Indirect effects through loss of prey items could also occur if program chemicals were to reach occupied habitat. The APHIS Grasshopper and Mormon Cricket Suppression Program maintains a standard, programmatic 500 foot buffer from water for all aerial ULV treatments, a 200 foot buffer from water for all aerial bait treatments, a 200 foot buffer from water for all liquid ground treatments, and a 50 foot buffer from water for all ground bait treatments. These standard buffers are in place to reduce the chance that a pesticide used for grasshopper suppression will enter water. Monitoring of APHIS grasshopper treatments by Beyers and McEwen (1996) concluded that the standard buffer resulted in trace amounts of pesticide in aquatic habitats, and that grasshopper control operations had no biologically significant effect on aquatic resources.

To protect spotted frogs, APHIS will observe no treatment buffers listed in the Program Guidelines and Operating Procedures (EA Appendix 1) of 500' for liquid insecticide and 200' for bait when applied by air, 200' for liquid applied by ground, and 50' for bait when applied by ground around areas of known habitat. APHIS will confer with FWS to determine locations of spotted frog habitat prior to treatment. Implementation of these protective measures will assure that the APHIS Grasshopper Suppression Program will not likely adversely affect Columbia Spotted Frog (*Rana luteiventris*) and Oregon Spotted Frog (*Rana pretiosa*).

## **SUMMARY**

This biological assessment addresses the possible effects of grasshopper suppression program activities on ten species listed as endangered, threatened, or proposed threatened since 1995 and two candidate species. Information is provided on the biology and ecology of those species. Protective measures are suggested when program activities may affect those species or their habitats. Also addressed is the use of diflubenzuron and the RAATs application method on 22

listed/proposed species and two candidate species that could be affected by a grasshopper suppression program in Oregon.

There may also be species in the affected area that have not been addressed because the species have been newly listed, newly proposed, or otherwise not mentioned in previous biological opinions. For those species APHIS will contact F&WS prior to undertaking any program to determine if any additional protective measures are needed. This will ensure that grasshopper suppression program activities will not likely jeopardize the continued existence of listed species or species proposed for listing, nor adversely modify critical habitat for listed or proposed species.

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